

Garnering Support for ADR: Essential Buy-In and Program Marketing¹

I. Introduction

In order for an ADR program to be successful and sustainable, agency staff and management at every level must “buy-in” to the program. This is important not only because the program will need continual budgetary support from the agency, but also because all agency staff, as potential users of ADR, must support the program as well. Before designing an ADR program, you must first secure the necessary support from within the agency. The following chapter offers some suggestions on securing buy-in from both senior management and general agency staff.

Accompanying the concept of buy-in is marketing the ADR program. From the design phase, through implementation, and as an on-going priority, responsive ADR program outreach and creative marketing are essential. The second part of the chapter will discuss various marketing initiatives, both internal and external to the agency. Buy-in and marketing serve two distinct but related purposes. The various agency decision-makers and potential users of an ADR program must not only believe in ADR’s utility and benefits, but also have enough information about the program to know when and how it is used.

II. Essential Buy-In

Consider the importance of buy-in, that is, support from strategic places. Given that a basic principle for invoking the Administrative Dispute Resolution Act in any conflict is that all parties should support the use of ADR, it is critical to the success of any ADR effort at a federal agency that a new process be launched with as much support as possible.

Core support for a well-designed concept should be sought from:

- senior management

¹ Co-authors: Kim Brown, ADR Attorney, United States Postal Service, David Grim, Deputy Director of Equal Opportunity Programs, U.S. Agency for International Development, Karen Kimball, Associate General Counsel, U.S. Office of Government Ethics and Julia Roig, ADR Specialist, U.S. Office of Special Counsel.

- senior human resources management
- General Counsel/other legal advisors

- unions
- other units responsible for personnel disputes
- policy staff
- others

Each of these can be a source of crucial assistance in gaining ADR acceptance, and may provide input to refine the process you have designed. However, it is certain that if you do not obtain the appropriate buy-in, any one of the sources above can work against you to cause the process to fail.

Of course, seeking buy-in is not just providing notice, or sending a memorandum, but engaging in direct discussions of what may work best. In terms of customer service, such meetings allow you to learn your "customer," and then "sell" what is wanted and needed. With this opportunity to discuss the attributes of an ADR system, you have a chance to demonstrate your persuasive skills and the value of mediation. Early effective communication is essential to building an ADR success.

Of the support sources mentioned, perhaps the most important is the very highest management figure you can involve, preferably a departmental secretary or agency administrator. A strong statement that endorses the program and seeks the broadest support for it will make more likely the prospects for resolutions through use of ADR methods. Top-level support will help ensure funding for training and other program needs, and will cause the most qualified potential mediators to seek involvement.

Support from the office of General Counsel (GC) is vital, since your ADR plan must be legally sufficient in all its aspects and that office may be representing your agency when cases advance to the hearing or litigation stage. Also, at many agencies, the GC office contains the agency dispute resolution specialist. Certainly, lack of GC support will diminish prospects of success.

Given the network of contacts, responsibilities and activities of Human Resources management, their insights and concerns must be factored into the ADR planning process. The cooperation of other agency management officials often will depend on the advice and example of HR management officials.

Garnering Support for ADR

Clearly, beyond oral and written support, there is the issue of money. Should these various sources wish to help increase the scope or capacity of the process you have designed, their monetary support would be most welcome. Although one should be careful not to launch ADR on too many fronts at once, the more widespread the use of ADR, done correctly, the more broad the support for it likely will be.

You should market your program by citing the reasons for using ADR methods:

- reduce cost and delay in normal adjudicative processes;
- reduce contentiousness and improve parties' relationship;
- create innovative, efficient, more satisfying outcomes;
- lessen management disruption/distraction;
- narrow and clarify issues, while focusing on parties' mutual interests.

Naturally, when parties actively and cooperatively seek resolutions through mediation, trust and satisfaction result. The chance for a long-term resolution is increased, as are the prospects for stronger work relationships. In this current era with emphasis on teamwork, the fact that ADR helps develop functional work relationships is particularly attractive to potential supporters.

As you seek broad support, you will encounter resistance; buy-in may, at times, seem a tough sell. Among the reasons you will encounter, and responses you should provide, are:

- ADR may be fine elsewhere, but my cases are too big, important, or controversial.
ADR saves money and resources. Mediation and other ADR tools will help you settle them early and to each party's benefit.
Confidential process gives all parties a voice.
- Most cases eventually settle anyway, so why ADR?
Avoid investments of time, effort, and money on the way to court; reduces antagonism early; and frees up agency resources.

- I have too much work to do to learn about ADR.
Learn how ADR can free up time in the long run. Discover how better communication patterns will enhance all aspects of work production.
- ADR may save money somewhere in the agency, but it will cost me.
ADR costs and savings may be allocated to different components, but the agency will save money, and there will be a reduction of time and staff resources in the long run. Plus, there will be rewards given for use of ADR, as its benefits become known.
- Using ADR means loss of control of cases.
ADR gives more control over process and outcome, not less. The universe of possible settlements is larger than in judicial or administrative forums. Cases may end up in another process [e.g., litigation in federal court], where the agency gives up decision-making authority to an outside judge.
- ADR takes too much of managers' time.
The life of an unresolved case will take more time. ADR requires managers to focus on the merits and issues of cases, and to view the origin of cases and options for resolution from fresh perspectives. Time invested now creates savings and return on the investment in improved relationships.

Ultimately, your success at meeting and dealing with the objections of future partners, stakeholders, and customers will be predictive of the success of your ADR program. Know your audiences. Work to persuade.

III. Buy-In from Senior Management

Obtaining buy-in from senior management can be viewed in one sense as informal training. It involves frequent contact and communication and thorough preparation in the techniques and applicability of alternative dispute resolution in the specific cultural context of your agency.

A. Informal Preparation

Your ultimate aim is a formal presentation to your senior management. Before you make that presentation, however, you must speak individually with as many of those senior managers as possible. The purpose of those contacts is to learn where within the organization there is support for ADR, where there is resistance, and why. Is the resistance due to being uninformed about ADR or concerns about ADR being a drain on the agency budget or is it due

Garnering Support for ADR

to some other concern? You will need to understand the reason for the resistance so that you can address it in informal discussions and during your presentation.

In preparation for the formal presentation, you should contact ADR professionals at other agencies and discuss their programs with them, how those programs are working, what problems they have encountered, and how they have resolved them. They can be helpful sources of information concerning what was effective about their presentations and how they obtained buy-in. Additionally, you should survey 20 to 25 agencies that are similar to your own, determine what kind of ADR program they have, what subject areas the program covers, the numbers and types of cases they have handled, and their success rate. You will use the results of this survey as part of your formal presentation.

B. Formal Presentation

To be effective, the presentation should not exceed 1½ hours with sufficient time allotted for questions, answers, and discussion. You should have a theme that is reflected in the title of your presentation and that is threaded throughout your presentation. The theme you select is based on the approach that you decide will work best and be most persuasive in view of your agency's culture and what you have learned in informal discussions with senior management. Listed below are examples of points that have been covered in successful ADR presentations:

- discussions of ADR in general and the different types of ADR;
- examples of when ADR is not appropriate;
- the legal framework for agency ADR programs;
- video on ADR or mediation -- (approximately 20 minutes);
- discussion of mediation, how it works, and why it is so popular;
- cost comparison between mediation and litigation, both financial and emotional;
- discussion of the significant points in your survey of other agency ADR programs;
- an outline of the coverage of your grievance processes,

administrative and/or union procedure;

- handouts of brief articles on ADR, relevant to your agency's mission or resistance; and
- handouts of draft ADR policy statement and evaluation criteria, if appropriate.

Once the presentation is made and discussion is concluded, you may want to suggest setting up a second session. This will provide the opportunity to discuss the agency's ADR goals and objectives, what kind of an ADR process the agency's senior managers think would be most effective, the scope of that process, whether it should be voluntary, and what criteria they would like to use to evaluate the success of that process. Once those decisions are made, you are ready to work with senior management on an ADR policy statement.

IV. Buy-In from General Staff

To encourage the use of an internal ADR program within your agency, employees at every level must be informed of the program and its operating procedures. The challenge to program managers is to develop creative ways to get the word out to all possible users. Developing literature and handouts such as flyers, brochures, staff newsletters, and program guidebooks is a good start. However, written outreach can not replace the impact of a face-to-face presentation to all managers and employees. These presentations may include a brief description of the program's policies and procedures, as well as a discussion of ADR's benefits. In order to tailor each presentation to the concerns of the audience, program managers should leave ample time for staff to ask questions about the program. To make the presentation meaningful and interesting, it should include concrete examples of actual conflicts the agency faces and how ADR can help resolve them.

How should these presentations be organized? Consider first dividing the organization into separate groups consisting of managers and staff employees. Many conflicts that arise within organizations often involve a supervisor and subordinate. To make presentations run as smoothly as possible, and to encourage open and forthright participation from all staff, management and staff employees should be able to discuss the program separately. In this way they can air their specific concerns without fear of a supervisor or subordinate hearing them.

For example, during the first year of its pilot program, the Employee

Garnering Support for ADR

Mediation Office of the D.C. Courts conducted briefings for all D.C. Court personnel. First, a comprehensive presentation was made to the highest level of court management to educate them on the office procedures. Second, mediation program staff conducted briefings for the mid-level management of each division. And finally, the staff began making presentations to employees at the branch level of each division. These 30-minute briefings ensured that almost every employee within the D.C. Courts received the necessary information. Although the presentations took intensive office staff time and resources, they provided employees the opportunity to meet the mediation program staff and become comfortable with the new program.

V. Program Marketing

Each agency should use all available sources to market its ADR program to its management and staff as well as all potential users of the program. Marketing techniques should be tailored to the particular culture of each organization. Budgetary concerns are also a factor. If money is unavailable for expensive marketing initiatives, ADR program managers will have to be even more creative in getting the ADR message out. Marketing is one of the most important components of any ADR program, not just during the start-up phase, but as an on-going requirement for success.

A. Developing a Marketing Plan

Consider the following questions before developing a marketing plan:

1. ***Who is the target audience?*** Are you marketing to potential users of the program, or to a wider audience of program supporters? How sophisticated is the audience about ADR, (i.e. is the audience mostly lawyers? community groups? agency support staff?)
2. ***What is the goal of this marketing initiative?*** Have a goal in mind before you embark upon a marketing initiative, to ensure the strategy meets your needs.
3. ***How much funding is available?*** How much money you have to develop a marketing initiative will be one of the leading factors in deciding which marketing technique you use.
4. ***How does your training plan fit with your marketing strategy?*** Very often, training needs overlap with marketing needs. Training agency staff on general ADR awareness and program policies is an effective outreach

tool. Make sure to incorporate training as an important aspect of your marketing plan.

B. Internal Marketing

Some possible marketing ideas include:

- open house for the new ADR office
- ADR program brochure
- ADR program posters widely disseminated
- articles in intra-agency newsletter
- ADR program newsletter
- lunch-time roundtable discussions on the ADR program
- booth or table at employee fairs or functions
- program briefings for staff and managers
- ADR training for employees
- videos on the use of ADR within the agency (can be borrowed from other agencies)
- monthly discussion groups on general conflict resolution topics
- pens, coffee mugs or other “give-aways” with the ADR program logo
- placing mailer inside employee pay stubs

C. External Marketing (Press)

As you have read, marketing within your agency can be the key element in the success or failure of your dispute resolution process. The same holds true for external marketing. External marketing gives your program the opportunity to gain publicity and recognition from outside your agency. Positive recognition from outside the organization not only makes the public aware of your program, but can greatly enhance your internal marketing ability as well. Agencies appreciate positive publicity and if it is your dispute resolution process that is gaining the attention, then it can be easier to gain management support. It is very difficult for management to overlook

a positive aspect of the agency of which the outside public has taken

notice.

In order to ensure that your program is getting the kind of attention that you desire, you must prepare. Media outlets want to see succinct information that gives them a basic understanding of your program. The most effective means of providing this information to the media is in the form of a press kit. Press kits can range from an elaborate multi-colored production to a basic black and white product. Press kits should contain basic information about your program, frequently asked questions, and a contact sheet for those requiring further information. The down-side to press kits is the cost. Even a simple press kits can be expensive. If a press kit seems too costly for your agency, then a simple Informational Sheet can be the answer. An Informational Sheet can be done in any word processing program and should contain similar information as the press kit. This option provides for a more cost-effective way to get information out about your dispute resolution program, particularly since Informational Sheets can also be used internally to answer those frequently asked questions.

The next step in marketing your program externally is to find the correct media outlets. Several publications exist that cater to employees of the federal government such as the Federal Times, the Federal Employees News Digest, and countless mediation newsletters from the private sector. These sources can provide your program important exposure that will also reach an internal audience as well. As with all marketing, it is important that the information that you provide should be clear cut and project a positive image of your program. The important thing to remember with marketing is that you need to be creative and think beyond normal parameters to keep your program fresh.

Support Checklist

✓ **Essential Buy-In and Program Marketing**

Seek broad support for ADR

- Engage in direct discussions with stake holders
- Support from the highest management figure is essential
- Be prepared to respond to resistance
- Know your audience

✓ **Buy-In from Senior Management**

- Prepare a formal presentation for senior
- Speak individually with as many managers as possible to learn where there is support and where there is resistance
- Contact other ADR professionals for information on their programs
- Select and stick to a theme for your presentation
- Schedule a follow up meeting to keep management's continued involvement and support

✓ **Buy-In from General Staff**

- Employees at every level should be informed of the program's procedures
- Utilize both written outreach methods and oral presentations

✓ **Program Marketing**

- Develop a marketing plan
- Use all available sources to market the ADR program
- Tailor resources and techniques to the particular culture of the agency
- Marketing is not only important at the start-up phase but as an on-going requirement for success
- Conduct marketing internally as well as externally